1951

File No. 3580/48

P.W. DEPARTMENT

E BRANCH II

C CLASS

Object:— Suit,

Ranade, Shri Vishnu Gangaram,
Brahmin,
Pensioner, Agriculturist, ~~occupation~~
residing at Jamkhandi,
Dist. Bijapur.

Vs.

State of B'bay through Chief
Secretary, Govt of B'bay

Reg:- claim valued at Rs.
242-1-9 for court fee
and Jurisdiction.

K

V Pg 95

File No. 3580/48
364. Bom. Govt. Slip 39-A—1630—50,000—3-48

593—4,00,000 7-50—K2*
G. R. I. D. No 2103, dated 22-6-22.]

Std. Sectt. 78 a.

DOCKET SHEET

Subject :—

File No. 3580/48

PW DEPT.

E. BRANCH.

(11)

Previous references :—

Notes Section

To whom sent	Notes and instructions.

E.B.(II).

Shri V. G. Ranade, a retired clerk of the Jamkhandi State, has served Govt. with a notice of suit to be filed as per copy of his plaint for the refund of Rs.242-1-9 paid by him under protest.

2. The facts about Shri Ranade's case are that he was appointed as a Chitnis (i.e. Head Clerk) in the State Engrg. Office, Jamkhandi, and was also required to maintain cash accounts vide point No.5 of the Dy.Engr., Jamkhandi Sub-Dn.'s endt. No.260, dated the 14-4-1949. On Shri Ranade's transfer to the Mechl. Engr.'s office and office of the Court of Awards (from where he retired in the year 1944) he was requested to hand over the papers and the cash temporarily to Shri V. G. Joshi - vide point No.7 of the Dy.Engr., Jamkhandi Sub-Dn.'s endt. No.260, dated the 14-4-49. Subsequently it was noticed by the P.W.D. Authorities of the Jamkhandi State that Shri Ranade had committed several mistakes in accounts. The Dewan of Jamkhandi after investigating the case passed an order dated the 3-3-47, asking him to pay the sum of Rs.241-1-9. However, after the merger Shri Ranade appealed to this Govt. to cancel the payment order of the Dewan. Shri Ranade's case was investigated by this Govt. The Dy.Engr., Jamkhandi Sub-Dn.'s endts. No. 260, dated the 14-4-50 and No.3161, dated the 18-11-1949, explain the whole case in detail. Accordingly this Govt. decided not to interfere in the order passed by the Dewan of Jamkhandi for recovering the amount of Rs.242-1-9, but directed that the amount be paid in 12 instalments - vide G.L. No.S.92/2499-E(II), dated the 4.2.50 ...

4.2.50 and the note underlying it. Before issue of the draft P.25C/S, the R.L.A. may be requested u.o. to advise.

S-92

P.P. 21

18/1/51

GJP.
18/1/51

18.1.51

18/1/51

D-S.

Secy.
u.o.

✓ Mob RLA (with file No S-92 XXXIV)
20/1/51

1404
22-1-51

Office of the R.L.A.

No reply need be sent to the notice given by Shri Ranade. The suit if filed would be defensible.

For Remembrancer of Legal Affairs.

U.R.to P.W.D., No. 11898 , dated the 26th July 1951.

MRP.
25/7.

P.W.D.

F. Br.

Record.

31/7/57.

30/7/51.

S. A-S. Dy (for withdrn).

19/3/17

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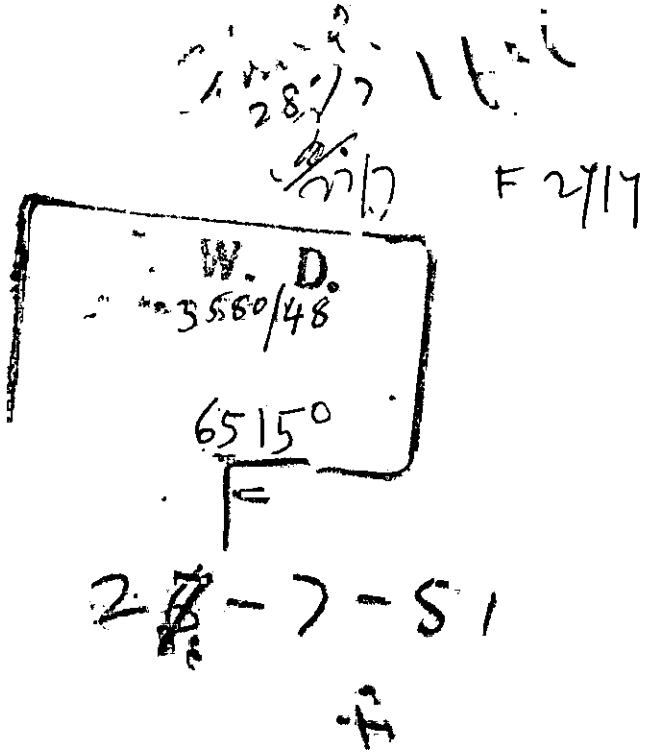

Copy

C. S. No. of 1951.

In the Court of the Civil Judge, Junior Division,
Jamkhandi.

1. Vishnu Gangadhar Ranade, Brahamin, Pensioner, Agriculturist; Age 62 residing at Jamkhandi, Dist. Bijapur.) Plaintiff.

V/S.

1. The State of Bombay, through The -- Chief Secretary to the Government of Bombay.) Defendent.

Claim valued at Rs. 242-1-9 for Court-fees and Jurisdiction.

Herein the Plaintiff submits as under :-

1. Plaintiff retired from Jamkhandi State Service in the year 1944 after serving as clerk in all the -- Departments of the State. He was working as clerk in the Public Works Department of the State till the year 1942 when he was transferred to the State Mechanical Engineer Office and was pensioned off while attached to the -- Court of Wards Manager's Office. While serving in this Office of the Public Works Department of the Jamkhandi State, he was acting as Cashier and Headclerk. At the time of transfer from the Public Works Department Office to the State Mechanical Engineer Office, the Plaintiff handed over charge to his successor , the charge report being duly verified and countersigned by the Head of -- the Department viz :- the Executive Engineer of the State. All the articles in the Plff's custody

handed over to his successor in Office. Nothing remains with him and there were no dues of any sort to be -- recoverable from him by the Public Works Department.

2. After some three years of his retirement from State service and five years from his transfer from the P.W.D. Office, Plaintiff was served with an order under the signature of the Engineer requiring Plaintiff to pay in the first instance a sum of Rs. 116-9-0 as dues to the P.W.D. on account of relief Works matters. Plff. denied w. liability and objected demanding full particulars of the claim. But without any reply to the demand of the Plff. a fresh order dated 20-5-47 under the signature of the Engineer was served upon him requiring him to pay an enhanced sum of Rs. 241-11-9 saying that no accounts in respect of advances made regarding the Savalgi Bunglow -- construction, could be settled and adjusted unless the above amount was anyhow recovered from Plaintiff. -- Plaintiff protested and did not pay the amount. The -- Diwan of Jamkhandi State behind the back of the Plff, issued an order No. 34/47 dated 3-3-47 demanding -- payment of the above amount from Plff. Objection, -- protests and even representations on behalf of Plaintiff for a hearing to set aside the illegal order of the Diwan, though made to the Higher Authorities after merger had no effect and as per letter dated 4-2-50 of the Secretary of the Government of Bombay P.W.D. sum of Rs. 242-1-9 was recovered and paid from the pension amount of Plaintiff under protest on 9-9-1950, by the Sub-Treasury at Jamkhandi.

3. Plaintiff while serving as clerk in the P.W.D. Department of the Jamkhandi State was never given -- advances on any count nor was he ever entrusted with any money or accounts inrespect of musters or advance money. The Plaintiff had handed over his successor all

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that he had in his custody as a clerk in the Department and no question of any dues from Plff was ever raised and could be raised by the Engineer or Jamkhandi State Government while Plff was still in service. The order of the Diwan was made after three years from the date when Plff's pension was sanctioned and behind his back without giving any opportunity of being heard in the matter. Plaintiff is not liable to pay the sum of Rs. 242-1-9 or any amount to the State of Jamkhandi or the P.W. Department of the State, as he had taken no sums in advance and as he had nothing to do with work for the amount of which, the above sum was required to be recovered. The grounds Plaintiff makes out for his denial of liability in respect of the above and for refusal of sum are as under :-

(1) The order of the Diwanof Jamkhandi State dated 13-3-47 is nullity being illegal and inequitable having been passed without -- foundation and behind the back of the Plff. without giving him any hearing though -- requested for.

(2) The said order demanding the sum of Rs. -- 242-1-9 is not a judicial or revenue order and no sum there-under would be recovered without due enquiry.

(3) Plaintiff had no personal possessions with the Defendant nor was he concerned with -- custody of any material or advances made therefor.

(4) Neither the Jamkhandi State nor the Bombay Government could charge and with-hold Plff's pension amount from which the amount of Rs. 242-1-9 was recovered under protest.

(5) The Plaintiff was transferred and relieved from the P.W.D. Office under the orders of the superiors after a charge report was duly taken, preferred and verified by the superior authorities.

4. As the Plaintiff is not liable to pay to the State of Bombay the above amount or any amount or sum of money, he is entitled to get refund of the amount of Rs. 242-1-9 recovered and paid at the Sub-Treasury at Jamkhandi on 9-9-50 under protest, and Plaintiff has filed this suit for its refund from the State of Bombay, after having duly served an the State of Bombay a notice under C.P.Code Sec. 80, and after complete lapse of two months.

5. The cause of action for the suit arose on -- 9-9-50, when the suit amount was recovered and paid under protest at the Sub-treasury at Jamkhandi.

6. The suit is valued at Rs. 242-1-9 for Court-fees pleader's fees and jurisdiction of the court.

7. The sum was recovered and paid at Jamkhandi -- within the local limits of this Court and therefore, this Court has jurisdiction to try this suit.

8. The Plaintiff prays :-

(i) The Plaintiff being not liable to pay to P.W.D. of Jamkhandi State any amount, the sum of Rs. 242-1-9 recovered and paid under protest be recovered from Deft. and refunded to Plaintiff.

(ii) Costs of this suit be awarded.

(iii) Further interest till realisation of the amount be granted.

(iv) Any other relief necessary for the end of justice.

Ramesh B.G.

Jamkhandi.
6th 1-1957

Read in this Conclusion
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Registered

To

Weight
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The Chief Secretary to the Govt
of Bombay
Secretariat

Bombay

From
Ranade V G
Jamkhandi

R 150
JAMKHANDI

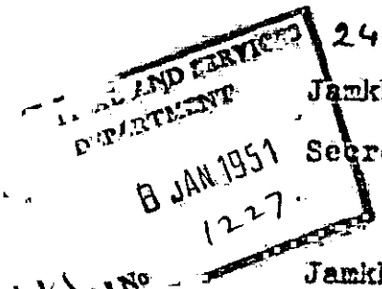
1]

To,

The Chief Secretary to the Govt of
Bombay
Secretariate, Bombay.

Notice of Suit under Sec. 80 of the Civil Procedure Code of 1908.

Take notice that the undersigned Vishnu Gangadhar Ranade of Jamkhandi, District Bijapur intends to file a suit as per copy of plaint attached herewith against the State of Bombay for the refund of a Sum of Rs. 242-1-9 paid under protest in the Sub-Treasury at Jamkhandi under the order dated 4-2-50 of the Secretary to Government of Bombay, Public Works Departmen



Jamkhandi.
6 th January 1951.

Yours faithfully,
Ranade VG

Pleader for the Plaintiff.

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C. S. No. of 1951.

In the Court of the Civil Judge, Junior Division,
Jamkhandi.

1 Vishnu Gangadhar Ranade, Brahamin, Pensioner, Agriculturist; Age 62 residing at Jamkhandi, Dist. Bijapur.) Plaintiff.

V/S.

1. The State of Bombay, through The -- Chief Secretary to the Government of Bombay.) Defendent.

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handed over to his successor in Office. Nothing remain with him and there were no dues of any sort to be -- recoverable from him by the Public Works Department.

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3. Plaintiff while serving as clerk in the P.W.D. Department of the Jamkhandi State was never given -- advances on any count nor was he ever entrusted with any money or accounts inrespect of musters or advance money. The Plaintiff had handed over his successor al

that he had in his custody as a clerk in the Departmen and no question of any dues from Plff was ever raised and could be raised by the Engineer or Jamkhandi State Government while Plff was still in service. The order of the Diwan was made after three years from the date when Plff's pension was sanctioned and behind his back without giving any opportunity of being heard in the matter. Plaintiff is not liable to pay the sum of Rs. 242-1-9 or any amount to the State of Jamkhandi or the P.W. Department of the State, as he had taken no sums in advance and as he had nothing to do with work for the amount of which, the above sum was required to be recovered. The grounds Plaintiff makes out for his denial of liability in respect of the above and for refusal of sum are as under :-

(1) The order of the Diwanof Jamkhandi State dated 13-3-47 is nullity being illegal and inequitable having been passed without -- foundation and behind the back of the Plff. without giving him any hearing though -- requested for.

(2) The said order demanding the sum of Rs. -- 242-1-9 is not a judicial or revenue order and no sum there-under would be recovered without due enquiry.

(3) Plaintiff had no personal possessions with the Defendant nor was he concerned with -- custody of any material or advances made therefor.

(4) Neither the Jamkhandi State nor the Bombay Government could charge and with-hold Plff pension amount from which the amount of Rs 242-1-9 was recovered under protest.

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(5) The Plaintiff was transferred and relieved from the P.W.D. Office under the orders of the superiors after a charge report was duly taken preferred and verified by the superior authorities.

4. As the Plaintiff is not liable to pay to the State of Bombay above amount or any amount or sum of money, he is entitled to get refund of the amount of Rs. 242-1-9 recovered and paid at the Sub-Treasury at Jamkhandi on 9-9-50 under protest, and Plaintiff has filed this suit for its refund from the State of Bombay, after having duly served on the State of Bombay a notice under C.P.Code Sec. 80, and after complete lapse of two months.

5. The cause of action for the suit arose on -- 9-9-50, when the suit amount was recovered and paid under protest at the Sub-treasury at Jamkhandi.

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8. The Plaintiff prays :-

(i) The Plaintiff being not liable to pay to P.W.D. any amount, the sum of Rs. 242-1-9 recovered and paid under protest be recovered from Deft. State of Jamkhandi and refunded to Plaintiff.

(ii) Costs of this suit be awarded.

(iii) Further interest till realisation of the amount be granted.

INLAND REC... DE... 8 JAN 51 10 45 A.M. BOMBAY

To Registered

The Secretary to the P. W. Department
Government of Bombay

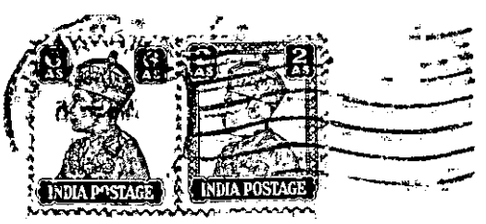
Bombay

weight-
2 Tolas

From
Ramdev. b g
Jamkhandi

14/-

R 148 JAMKHANDI



(iv) Any other relief necessary for the ends of justice.

Ramadt. B.G

Jamkhandi.
6th-1-1951

To, The Secretary to the P. W. Department
Government of Bombay
Bombay.

Notice of Suit under Sec. 80 of the Civil Procedure Code of 1908.

Take notice that the undersigned Vishnu Gangadhar Ranade of Jamkhandi, District Bijapur intends to file a suit as per copy of plaint attached herewith against the State of Bombay for the refund of a Sum of Rs. 242-1-9 paid under protest in the Sub-Treasury at Jamkhandi under the order dated 4-2-50 of the Secretary to Covernment of Bombay, Public Works Department

Jamkhandi.
6 th January 1951.

Yours faithfully,
Ranade. V G

Pleader for the Plaintiff.

No.3580/48-E(II).

P. W. D.,
B.C. (Bombay No.1),
Jany. 1951.

To
Shri V. G. Ranade,
Ghanekar Wada, Opposite Mamlatdar's Office,
Jamkhandi.

Subject: Notice of Suit:
Refund of the sum of Rs.242-1-9
paid in the Treasury at Jamkhandi.

....

Dear Sir,

With ref. to your Notice dated the 6-1-51, I am directed to invite your attention to G.L., No.S.92/2499-E(II), dated the 4-2-50, and to state that this Govt. regrets its inability to reconsider the orders passed in the above G.L.

Yours faithfully,

A.S. to the G. of B., P.W.D.

D.A.- Nil.

GJP.
18/1/51